

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2640.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 295 Cases Bottled Beer. Decree of condemnation by consent. Product released on bond.

ADULTERATION AND MISBRANDING OF BEER.

On March 15, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 cases each containing 3 dozen bottles of beer and 20 cases each containing 2 dozen bottles of beer remaining unsold in the original unbroken packages in the possession of Henry C. Lauer, Louisville, Ky., alleging that the product had been shipped on January 16, 1913, by the Evansville Brewing Association, Evansville, Ind., and transported from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 275 cases of the product were labeled: "Evansville Brewing Association Evansville Ind. U. S. A. 3 dozen small bottles Malt Beverage from Evansville Brewing Association Evansville, Ind. Hy C Lauer" The 20 cases were labeled: "Evansville Brewing Association Evansville Ind. U. S. A. 2 doz. large bottles beer Evansville Brewing Association Evansville Ind. Hy C. Lauer". The bottles in the 275 cases were labeled "Finest Barley Malt & Choicest Hops Contents 12 oz. liquid Alcoholic Content 3 7/10 per cent Good Luck Brand Trade Mark Rheingold Beer Brewed and Bottled by Evansville Brewing Assn Evansville Ind. Guaranteed under the Pure Foods Act of June 1906 Serial No. 11241." The bottles in the 20 cases were labeled: "Finest Barley Malt & Choicest Hops Contents 12 oz. Liquid Alcoholic Content 3 7/10 per cent Good Luck Brand Trade Mark Pale Export Beer Brewed and Bottled by Evansville Brewing Assn Evansville Ind. Guaranteed by the Evansville Brewing Association under the Food and Drugs Act June 30, 1906. Serial No. 11241."

Adulteration of the product was alleged in the libel for the reason that it was labeled as set forth above and said words on the labels "Finest Barley Malt and Choicest Hops" indicated that it was made exclusively from malt and hops but said product, to wit, beer, was not made exclusively from malt and hops but some product a further description of which was to the United States Attorney unknown had been substituted for malt and had been mixed with the beer so as to injuriously affect its quality, and a valuable constituent of said beer, to wit, malt, had been in part abstracted from the product. Misbranding was alleged for the reason that each of the bottles bore a statement regarding the substance contained therein which was false and misleading, to wit, a label bearing among other things the words "Finest Barley Malt and Choicest Hops," which said statement and label were false and misleading in that they represented the contents of the bottles to be beer made exclusively of malt and hops, whereas, in fact and in truth, some other product had been substituted in part for malt in the manufacture of the product.

On April 5, 1913, the said Evansville Brewing Association, claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings, amounting to \$26.15, and the execution of bond in the sum of \$200 in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 25, 1913.*

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